

WORKERS' COMPENSATION INDUSTRIAL COUNCIL

December 4, 2019

Minutes of the meeting of the Workers' Compensation Industrial Council held on Wednesday, December 4, 2019, at 1:00 p.m., Offices of the West Virginia Insurance Commissioner, 900 Pennsylvania Avenue, Room 912, Charleston, West Virginia.

Industrial Council Members Present:

Kent Hartsog, Chairman
Kim Shin
Michael Keener
Bengy Swanson – via telephone
Anna Dailey – via telephone
James A. Dodrill, Insurance Commissioner/Advisory Nonvoting Member

1. Call to Order

Chairman Kent Hartsog called the meeting to order at 1:00 p.m.

2. Approval of Minutes

Chairman Hartsog asked for a motion to approve the September 19, 2019 minutes.

Michael Keener made the motion to approve the September 19, 2019. The motion was seconded by Kim Shin and passed unanimously.

3. General Public Comments

Chairman Hartsog asked if anyone from the public would like to speak to the Council, or if anyone had comments. No speakers and no comments.

4. Old Business

Chairman Hartsog asked if anyone on the Council had any old business they wanted to bring up. There was no old business.

5. New Business

Chairman Hartsog asked if anyone had any new business to bring up.

The new Office of Judges Chief Administrative Law Judge, Bradley Crouser, was introduced. Judge Crouser took office on Monday, December 2, 2019.

Melinda Kiss, OIC Assistant Commissioner of Finance, presented and discussed the Offices of the Insurance Commissioner's Annual Financial Report/FY 2019 Audited Financial Statements.

Mick Bates, with the House of Delegates, discussed W.Va. Code § 23-4-8, as it pertains to physical examinations (Independent Medical Examinations) of workers' compensation claimants.

Chairman Hartsog discussed and decided on new meeting dates for 2020.

6. Next Meeting

The next meeting is scheduled for Thursday, March 12, 2020, at 1:00 p.m.

7. Executive Session

Chairman Kent Hartsog: The next order of business is the special Executive Session. The next item on the agenda is related to self-insured employers. These matters involve discussion as specific confidential information regarding a self-insured employer that would be exempted from disclosure under the West Virginia Freedom of Information Act pursuant to West Virginia Code §23-1-4(b). Therefore, it is appropriate that the discussion take place in Executive Session under the provisions of West Virginia Code §6-9A-4. If there is any action taken regarding these specific matters for an employer this will be done upon reconvening of the public session. Is there a motion to go into Executive Session?

Michael Keener made the motion to go into Executive Session. The motion was seconded by Kim Shin and passed unanimously.

The Industrial Council went into Executive Session to discuss self-insured matters. Angela Shepherd, Director, Workers' Compensation Self-Insurance, presented the self-insured matters.

The Industrial Council returned to the regular meeting following the Executive Session.

Chairman Hartsog called the Industrial Council meeting back to order for the regular public session.

Chairman Hartsog entertained a motion to approve the list of self-insured renewals that have been presented to the Council.

Michael Keener moved to accept the motion to approve the list.

The motion was seconded by Bengy Swanson and passed unanimously.

8. Adjourn

There being no further business, Chairman Hartsog asked for a motion to adjourn. Michael Keener made the motion to adjourn the meeting. The motion was seconded by Kim Shin and passed unanimously.